



CHILD SAFE POLICY

Abstract

Kowanj Australasia
Info@kowanj.com.au

Policy number	001	Version	01
Drafted by	Naomi Caruana	Approved by Board on	30/08/2023
Responsible person	Ashoup Atar	Scheduled review date	01/8/2024

Updates

Version No	Date	Drafted by	Responsible person	Summary of Changes
01	2808/2023	Naomi Caruana	Ashoup Atar	
02	18/06/2024	Yollette Benyera		Added labour hires, directors and secondees to scope. Definitions of labour hire and secondees added.

1. Introduction

1.1 It aims to protect children and young people and reduce opportunities for abuse or harm to occur. It also helps staff by providing them with guidance on how to best support children and young people and how to avoid or better manage difficult situations.

2. Purpose

2.1 The purpose of this Policy is to demonstrate Kowanj Australasia Limited’s commitment to providing a safe environment that ensures the care, safety, and wellbeing of all children and young people, and that protects them from all forms of harm and abuse. This includes children and young people who identify as having a disability, those from Aboriginal and Torres Strait Islander backgrounds, culturally and linguistically diverse backgrounds, gender diverse, and those who identify as a member of the LGBTIQ+ community.

3. Scope

- 3.1 This policy applies to:
- a. All Kowanj Australasia staff (permanent and casual)
 - b. Labour Hire & Volunteers
 - c. Secondees
 - d. Directors

- e. Contractors and Subcontractors
- f. Consultants
- g. Participants and their families
- h. Visitors to Kowanj Australasia

4. Policy

Policy Statement

- 4.1 Kowanj Australasia has participants aged under 18 years and hosts visiting children and young people. Kowanj Australasia aims to establish and maintain a child-safe charity where children and young people feel safe, valued, respected, encouraged, and empowered to reach their full potential.
- 4.2 Kowanj Australasia hosts visiting children and young people. The charity delivers training throughout Victoria.
- 4.3 Kowanj Australasia is committed to promoting a safe environment for staff and participants. All children and young people at Kowanj Australasia have the right to feel safe and be safe. The wellbeing of children and young people enrolled at or visiting the charity will be our priority and child abuse of any nature will not be tolerated. We ensure all children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds and children with a disability are safeguarded.

Policy Principles

- 4.4 Kowanj Australasia is a charity where children and young people feel safe, valued, respected, encouraged, and empowered to reach their full potential. The charity acknowledges the Victorian State's mandatory reporting obligations and associated legislation. Policies and procedures that support compliance with the Child Safety Standards are in place. This policy will be guided by the following principles, standards, acts, and legislation.
- 4.5 This policy statement is guided by the following values and principles, which underpin our commitment to child safety:
 - a. Kowanj Australasia has zero tolerance for child abuse.
 - b. All children and young people deserve, as a fundamental right, safety, and protection from all forms of abuse.
 - c. All staff including volunteers and contractors have a responsibility to care for children and young people and positively promote their wellbeing to protect them from any kind of harm or abuse.
 - d. Kowanj Australasia staff will be provided with appropriate information and training on the Child Safe Standards.

- e. Kowanj Australasia has robust human resources and recruitment practices to reduce the risk of child abuse by new and existing staff.

a) Child Safety Standards 2022

<https://www.vic.gov.au/child-safe-standards-education-providers>

b) Child Youth and Families Act 2005

<https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/134>

b) Child Wellbeing and Safety Act 2005

<https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/040>

c) Worker Screening Act 2020

<https://www.legislation.vic.gov.au/as-made/acts/worker-screening-act-2020>

d) Crimes Amendment (Grooming) Act 2014

<https://www.legislation.vic.gov.au/as-made/acts/crimes-amendment-grooming-act-2014>

e) Crimes Amendment (Protection of Children) Act 2014

<https://www.legislation.vic.gov.au/as-made/acts/crimes-amendment-protection-children-act-2014>

f) Children Legislation Amendment (Reportable Conduct) Act 2017

<https://www.legislation.vic.gov.au/as-made/acts/children-legislation-amendment-reportable-conduct-act-2017>

g) The Wrongs Amendment (Organisational Child Abuse) Act 2017

<https://www.legislation.vic.gov.au/as-made/acts/wrongs-amendment-organisational-child-abuse-act-2017>

Policy Topics

VCSS standards:

4.6 Cultural Safety

- a. Kowanj Australasia has a moral and legal responsibility to create a nurturing environment where all children and young people including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability are respected, their voices heard, they feel safe and are safe.
- b. Kowanj Australasia Counsellors provide participants with pastoral care and appropriate support assessed on an individual basis.

4.7 Leadership and Governance

Chief Operating Officer and Human Resources will provide supervision, training, screening, and other robust staff recruitment processes that minimise the risk of child abuse.

- a. Child Safety Officers will facilitate training and provide information and advice to staff and participants on mandatory reporting requirements.
- b. The Program Delivery Manager will provide children with access to tailored supports and services.
- c. All staff must comply with the Child Safety Standards and requirements to respond to incidents, disclosures, and suspicions of child abuse.

4.8 Empowerment, Rights and Decision-making

Kowanj Australasia commits to ensuring all children and young people will be informed and aware of the process to report any concerns of abuse.

- a. The charity listens to all children and young people and empowers them by taking their views seriously and addressing any concerns that they raise. Any misconduct towards children and young people will be dealt with in accordance with the Code of Conduct and referred to the police where appropriate.
- b. Kowanj Australasia commits to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and well-being.

4.9 Promotion of Child Safety

Kowanj Australasia has a published commitment statement to child safety which is available on our external website.

- a. Kowanj Australasia staff will engage with, and listen to, the views of parents and carers about our child-safety practices, policies, and procedures.

4.10 Equity and Diversity

Kowanj Australasia acknowledges the cultural diversity of all children and young people and is sensitive to how this may affect participant safety issues. It recognises gender diversity in providing a safe environment and considers these needs in creating that environment.

- a. The charity pays particular attention to the needs of children and young people with a disability, those from culturally and linguistically diverse backgrounds, as well as non-binary and gender diverse individuals, including those who identify as lesbian, gay, bisexual, transgender, intersex, and queer/questioning.
- b. The **Feedback and Complaints procedure** is outlined in simple language to ensure equity and accessibility of service. The process works in line with charitable confidentiality requirements.

4.11 People and Culture

Kowanj Australasia will ensure all new and continuing staff are aware of their responsibilities to comply with the Kowanj Australasia Code of Conduct, Child Safe Standards and associated legal reporting requirements. We commit to listening to all concerns voiced by Kowanj Australasia employees, volunteers, and contractors about keeping all children and young people safe from harm. Kowanj Australasia will provide additional information and supports to staff responsible for programs where there are high numbers of participants that are children or young people.

- a. Positions that may have contact with children and young people due to their working environment are to be assessed as to whether a WWC Check is required to minimise the risk of harm to children and young people.
- b. Kowanj Australasia has robust human resources and recruitment practices for all staff, contractors, and volunteers in contact with children, including:
- c. Recruitment is based on the selection criteria and clearly demonstrates the charity's commitment to child safety to ensure the most appropriate staff are employed. Selection policies and guidelines, including pre-screening activities, reflect an understanding of, and commitment to, a child-safe environment.
- d. All people engaged in child-related work as defined in the Working with Children Act 2005, including volunteers, are required to hold a Working with Children (WWC) Check and to provide evidence that the WWC Check is always valid whilst employed by the department.

4.12 Complaints Process

Kowanj Australasia has a structured complaint-handling process that can be accessed via an online Feedback and Complaints form on the public-facing website. Complaints can also be submitted via email, or with the support of our Program Delivery Manager

- a. Kowanj Australasia takes complaints seriously and operates under a strict timeframe to ensure a non-biased and equitable resolution of complaints.
- b. Ongoing and refresher training is provided to relevant staff.

4.13 Employee Skills and Knowledge

All staff working with children and young people are provided with appropriate training in accordance with the Child Safety requirements.

- a. Ongoing and refresher training is provided to relevant staff.

4.14 Physical and Online Environments

Kowanj Australasia commits to the safety of children and young people on campus by providing facilities that ensure physical safety and promote wellbeing.

- a. Kowanj Australasia acknowledges the cultural diversity of all children and young people and is sensitive to how this may affect participant safety issues.
- b. Online safety

Kowanj Australasia acknowledges that the online world provides everyone with many opportunities; however, it can also present risks and challenges. The charity will support the online safety of children and young people by:

- a. Building children's and young people's awareness of cybersecurity and online safety through induction and learning modules.
- b. Having in place clear and robust procedures to enable us to respond appropriately to any incidents of inappropriate online behaviour, whether by an adult or a child or young person
- c. Reviewing and updating the security of our information systems regularly

4.15 Implementation and Review

Kowanj Australasia commits to continuously reviewing and improving our systems to protect children and young people from all types of abuse.

- a. Kowanj Australasia has designated child safety officers, who will support and assist participants who have complaints and assist staff with understanding their reporting obligations and the process.
- b. Responsibility and accountability are with the Child Safety Officers, who conduct quarterly meetings with specially trained staff to provide feedback, review, and implement changes, as needed.

4.16 Policy and Procedure

- a. Child Safe Standards are reflected in the charity's policy and procedures, are accessible to staff, and form part of employee induction.
- b. Reporting procedures are easy to understand, and the roles and responsibilities of leadership are clearly defined and promoted within the charity.

4.17 Identifying child abuse.

Participants (and their families), staff, volunteers, contractors, or visitors to Kowanj Australasia may have reasonable grounds for believing a child or young person who comes to the attention of a member of the Kowanj Australasia community in the course of their employment, study, research, or other connection to the charity, needs protection, including in any of the following circumstances:

- a. Where there are reasonable concerns about harm to a child.
- b. Physical abuse of, or non-accidental or unexplained injury to, a child.
- c. A disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse, such as the child exhibiting concerning behaviours.
- d. Emotional or psychological abuse and ill-treatment of a child impacting the child's stability and healthy development.

- e. Persistent neglect, poor care, or lack of appropriate supervision where there is a likelihood of significant harm to the child, or the child's stability and development.
- f. Persistent family violence or parental substance misuse, psychiatric illness, or intellectual disability where there is a likelihood of significant harm to the child, or the child's stability and development.
- g. Where a child's actions or behaviour may place them at risk of significant harm and the parents or caregivers are unwilling, or unable to protect the child.
- h. Where a child appears to have been abandoned, or where the child's parents are deceased or incapacitated, and no other person is caring properly for the child.
- i. Grooming of a child under 16 years of age by a person aged 18 years or older.

Note: Definitions as defined by the World Health Charity relating to types of child abuse can be found at the Australian Institute of Family Studies. (<https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect>)

4.18 Child Safety Reporting Requirements

- a. As a member of the Kowanj Australasia team all staff have an obligation under state laws to report offences of child abuse or harm. Concerns regarding suspected or actual abuse of children by a Kowanj Australasia staff member must be reported promptly to the Child Safety Officer.
- b. Any abuse or misconduct towards children and young people, will be dealt with by Kowanj Australasia in accordance with the applicable laws and the Kowanj Australasia Code of Conduct and referred to the police or child protection authorities as appropriate.

4.19 Failure to disclose

- a. According to the Victorian Government requirements, all adults who have a reasonable belief that an adult (a person 18 years or older) has committed a sexual offense against a minor under the age of 16 have an obligation to report any information they have to the Victorian Police. It is a criminal offense if you do not report unless the person has reasonable circumstances for not reporting in a timely manner.
- b. The *Child and Wellbeing Safety Act 2005* requires that, where a reasonable belief exists that a child is at risk, it must be reported as soon as practicable. Reasonable belief includes any event, incident, or disclosure including a child stating they have been abused.
- c. A reasonable explanation for not disclosing includes fear for your safety or the safety of another person (other than the person believed to have committed the sexual offense), or belief that the information has already been disclosed to the Victoria police and/or Child protection.

4.20 Failure to protect requirements

a. This offense can apply if a person in authority at an educational institute which cares for children or young people 16 and under fails to reduce or remove any substantial risk of a child, that can become the victim of a sexual offense from someone over the age of 18 who is associated with the educational institute. A failure to protect a minor from substantial risk is a criminal offense.

b. The charity must take reasonable actions to ensure a child's safety where an imminent threat or risk exists. Where a child is deemed to be at immediate risk, it is the responsibility of the charity and mandated reporters to ensure the child's immediate safety. This includes protecting the child from any further risk or harm by removing the alleged staff member or other adult from having further contact with the child.

4.21 Mandatory Reporting Requirements

The *Child Youth and Families Act 2005* imposes an obligation under Mandatory Reporting which requires registered teachers, school principals, councillors, psychologists, social workers, medical practitioners, nurses, midwives, youth or child workers (welfare/justice), and police officers to make a report to Child Protection if they form a reasonable belief that a child is in need of protection from physical injury and/or sexual abuse while acting in the course of their employment or professional duties, they reasonably form the belief that a child is in need of protection. It is a criminal offense to not comply.

It is a requirement under the *Child, Youth and Family Act 2005* that all Kowanj Australasia staff are mandated to report any concerns, for the wellbeing of children and young people to the appropriate authorities and the Kowanj Australasia Child Safety Officer.

All mandated staff are required under the *Child, Youth and Families Act 2005* to report to external authorities including Victoria Police by and Child Protection 13 12 78 as appropriate on each occasion where a reasonable belief is formed. The report must be made as soon as practical upon forming such a belief. It is the reporter's responsibility to make the notification whether senior staff in the charity support the belief. If another member of staff has undertaken to make a notification, the Act requires that the mandated staff member follow through and ensure that this has been reported to authorities, the Victoria Police, and/or Child Protection as per the Four Critical Actions Process: Four Critical Actions Process

4.22 Reportable Conduct Scheme Reporting Requirements

a. The Victorian Reportable Conduct Scheme (RCS) imposes obligations under the *Child Wellbeing and Safety Act 2005* on the Head of Charities to report child abuse by any Kowanj Australasia staff member or volunteer to the Commission for Children and Young People.

b. All employees and/or volunteers over the age of 18 years in Victoria are required to report if they become aware of any allegations of sexual offenses, sexual misconduct, physical violence, and behaviour that causes significant psychological or emotional harm or significant neglect against a child to police under section 327 of the *Crimes Act 1958 (Vic)*. It is a criminal offense to not comply with this requirement.

c. Concerns regarding suspected or actual abuse of children by a Kowanj Australasia staff or volunteers must be reported promptly to the appropriate internal personnel (Child Safety Officer or Chief Executive).

d. Any misconduct towards children and young people, will be dealt with by Kowanj Australasia in accordance with the Code of Conduct and referred to the police where appropriate. Concerns regarding suspected or actual abuse of children must be reported promptly to the appropriate internal personnel (Child Safety Officer) as well as external authorities including Victoria Police by calling 000 and/or Child Protection 13 12 78 as appropriate.

4.23 Grooming Laws

The *Crimes Amendment (Grooming) Act 2014* introduces the offense of Grooming for sexual conduct with a child under the age of 16 years. This offense targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums, and emails.

Many perpetrators of sexual offenses against children purposely create relationships with victims, their families, or carers to create a situation where abuse could occur. For this reason, parents, carers, or other family members who have been targeted by perpetrators to gain access to a child are also victims.

Grooming is a criminal offense and against the law and must be reported to Victoria Police.

4.24 Privacy Laws

Participants, staff, and volunteers must respect confidentiality and comply with the *Privacy Policy* when dealing with suspected child abuse. Details of the case and the identity of the child and their family will be recorded and will only be discussed with those directly involved in the management of the child's situation and to meet the reporting obligations set out in this policy and in the legislation. Advice may be sought from the Kowanj Australasia Privacy Officer.

How to report child abuse concerns:

- a. Where a child is deemed to be at immediate risk on site, a Child Safety Officer should also be called, and the child should be protected and removed from any immediate harm.
- b. In a situation of grave and immediate life-threatening risk to a child, staff, participants, and associates must notify police immediately by telephone on 000.
- c. If there is a risk to the immediate safety of a child (non-life-threatening), staff, participants or associates should immediately telephone Child Protection in their local government area (business hours) or the Child Protection Crisis Line after hours on 13 12 78.
- d. Child Protection will only investigate if the abuse is by an adult against a child aged under 16 years. In relation to all child abuse concerns, staff, participants and associates must:
 - a. Follow the Victorian Department of Education and Training's Four Critical Actions in responding to incidents, disclosures, and suspicions of child abuse.
 - b. Report child abuse concerns to Kowanj Australasia Child Safety Officer and/or seek advice on how to make an external report.
 - c. Report their child abuse concerns to external authorities as soon as possible.

- d. Comply with all applicable mandatory and legal reporting requirements by reporting suspected child abuse matters to Child Protection and/or the Victorian Police; and
- e. If the incident relates to a participant, staff member, or associate or arises in the course of their employment, study or other connection to the charity contact the Chief Operating Officer
- f. Complete the Kowanj Australasia Child Safety Report Form.

4.25 Appropriate workplace behaviour when working with children and young people:

When working with children or young people all staff and volunteers will operate within Kowanj Australasia Child Safety Policy, principles, and any specific procedures always.

Staff Will	Staff Will Not
<p>Treat children and young people fairly and without prejudice or discrimination.</p> <p>Follow the Kowanj Australasia 's code of conduct and report any breaches immediately.</p> <p>Always listen to and respect children.</p> <p>Avoid favouritism, be impartial in all your dealings.</p> <p>Value and take children's point of view seriously, actively involve children and young people in planning activities wherever possible.</p> <p>Ensure any contact with children and young people are appropriate and in relation to the work of the learning or the project.</p> <p>Always ensure language is appropriate and not offensive or discriminatory.</p> <p>Always ensure equipment is used safely and for its intended purpose.</p> <p>Provide examples of good conduct you wish children and young people to follow.</p> <p>Challenge unacceptable behaviour and report all allegations/suspicions of abuse.</p> <p>Ensure that whenever possible, there are more than one adult present during activities with children and young people or if this isn't possible, that you are within sight or hearing of other adults.</p>	<p>Patronise or treat children and young people as if they are silly.</p> <p>Allow allegations to go unreported.</p> <p>Develop inappropriate relationships such as contact with children and young people that is not a part of the Kowanj Australasia study or work you are engaging them in.</p> <p>Conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person. Any such behaviour between an adult member of staff or volunteer and a child or young person using the services of Kowanj Australasia represents a serious breach of trust on the part of the staff member or volunteer and is not acceptable under any circumstances.</p> <p>Let children and young people have your personal contact details (mobile number or address).</p> <p>Make sarcastic, insensitive, derogatory or sexually suggestive comments or gestures to or in front of children and young people.</p> <p>Be one on one with a young person in a room with the closed door.</p> <p>Act in a way that can be perceived as threatening or intrusive.</p> <p>Make inappropriate promises to children and young people, particularly in relation to confidentiality.</p>

<p>Be close to where others are working. If a young person specifically asks for or needs to speak to you privately, ensure other staff know where you and the young person are and/or have a line of sight to the area you are in.</p> <p>Avoid being one-on-one with a young person in a room with a closed door.</p> <p>Respect a young person’s right to personal privacy.</p> <p>Encourage young people and adults to feel comfortable to point out attitudes or behaviour they do not like.</p> <p>Recognise that special caution is required when you are discussing sensitive issues with children or young people.</p>	<p>Jump to conclusions about others without checking facts.</p> <p>Exaggerate or trivialise child abuse issues.</p> <p>Rely on your reputation or that of Kowanj Australasia to protect you from any wrong doing.</p>
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4.26 Kowanj Australasia’s duty of care to children and young people:

- a. Kowanj Australasia acknowledges that it has a duty of care to take reasonable measures to protect all participants from foreseeable risks and injuries and provide a safe environment for all children and young people.
- b. It recognises the need for safety and wellbeing of all children and young people within the charity. Kowanj Australasia will provide all children and young people with positive and
- c. nurturing learning experiences.
- d. Kowanj Australasia has developed and published a commitment statement to child safety which is available on our external website.
- e. Kowanj Australasia will take action to ensure that children and young people are protected from abuse or harm.
- f. Kowanj Australasia staff will engage with, and listen to, the views of parents and carers about our child-safety practices, policies, and procedures.
- g. Kowanj Australasia acknowledges the cultural diversity of all children and young people and is sensitive to how this may affect participant safety issues. It recognises gender diversity in providing a safe environment and considers their needs in providing that environment.
- h. Kowanj Australasia commits to continuously reviewing and improving our systems to protect children and young people from all types of abuse.

- 4.27 Kowanj Australasia's child safety commitment to staff including employees, volunteers, and contractors:
- a. Kowanj Australasia commits to ensuring all children and young people will be informed and aware of the process to report any concerns of abuse and commits to listen to all children and young people and empower them by taking their views seriously and addressing any concerns that they raise with us.
 - b. All staff working with children and young people will be provided with appropriate training in accordance with the Child Safety requirements.
- 4.28 Kowanj Australasia commits to:
- a. The safety and well-being of all children and young people in our charity.
 - b. Providing all children and young people with positive and nurturing learning experiences.
 - c. Listening to all children and young people and empowering them by taking their views seriously and addressing any concerns that they raise with us. Any misconduct towards children and young people will be dealt with in accordance with the Code of Conduct and referred to the police where appropriate.
 - d. Acting to ensure that children and young people are protected from abuse or harm.
 - e. Teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and well-being.
 - f. Engaging with, and listening to, the views of parents and carers about our child-safety practices, policies, and procedures.
 - g. Acknowledging the cultural diversity of all children and young people and being sensitive to how this may affect participant safety issues.
 - h. Is committed to preventing child abuse identifying risks early and removing and reducing these risks.
 - i. Kowanj Australasia will ensure all new and continuing staff are aware of their responsibilities to comply with Kowanj Australasia's Code of Conduct, Child Safe Standards, and associated legal reporting requirements. We commit to listening to all concerns voiced by Kowanj Australasia employees, and volunteer contractors about keeping all children and young people safe from harm. Kowanj Australasia will provide additional information and support to staff responsible for programs where there are high numbers of participants who are children or young people.
 - j. Kowanj Australasia has robust human resources and recruitment practices for all staff, contractors, and volunteers in contact with children, including:
 - a. Recruitment should be based on the selection criteria and clearly demonstrate Kowanj Australasia's commitment to child safety to ensure the most appropriate staff are employed. Selection policies and guidelines, including pre-screening activities, reflect an understanding of, and commitment to, a child-safe environment.
 - b. All prospective/new staff members who deal with children and young people will be required to undertake a National Criminal History Record Check prior to the commencement of employment.
 - c. All people engaged in child-related work as defined in the *Working with Children Act 2005*, including volunteers, are required to hold a Working with Children (WWC) Check and to provide evidence that the WWC Check is always valid whilst employed by the department.

- d. In addition, positions that may have contact with children and young people due to their working environment are to be assessed as to whether a WWC Check is required to minimise the risk of harm to children and young people.

4.29 Please refer to **the risk management policy** and procedure for further instructions on how to identify, treat, and monitor risks.

- a. Continuously reviewing and improving our systems to protect children and young people from abuse.
- b. Provide a safe environment for, and consider the needs of, same-sex attracted and intersex children and young people, recognise gender diversity in providing a safe environment, and consider their needs in providing that environment.
- c. Kowanj Australasia staff will be provided with appropriate information and training on the Child Safety Policy and the Child Safe Standards.
- d. To ensure all new and continuing staff are aware of their responsibilities to comply with the Kowanj Australasia Code of Conduct, Child Safe Standards, and associated mandatory reporting requirements.
- e. To listen to all concerns voiced by Kowanj Australasia employees, volunteers and contractors about keeping all children and young people safe from harm.
- f. To provide additional information and support to staff responsible for programs where there are high numbers of under-aged participants.
- g. Have robust human resources and recruitment practices for all staff, contractors and Volunteers in contact with children

4.30 Child Safety Officers

Kowanj Australasia has two designated child safety officers, the Program Delivery Manager, and the Chief Operating Officer, they will support and assist participants who have complaints and assist staff with understanding their reporting obligations and the process.

4.31 Identifying Child Abuse

Participants (and their families), staff, volunteers, contractors, or visitors to Kowanj Australasia may have reasonable grounds for believing a child or young person who comes to the attention of a member of Kowanj Australasia community in the course of their employment, study, research, or other connection to the institute, needs protection, including in any of the following circumstances:

- a. Where there are reasonable concerns about harm to a child.
- b. Physical abuse of, or non-accidental or unexplained injury to, a child.
- c. A disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse, such as the child exhibiting concerning behaviours.
- d. Emotional or psychological abuse and ill-treatment of a child impacting the child's stability and healthy development.
- e. Persistent neglect, poor care, lack of appropriate supervision where there is a likelihood of significant harm to the child, or the child's stability and development.
- f. Persistent family violence or parental substance misuse, psychiatric illness or intellectual disability where there is a likelihood of significant harm to the child, or the child's stability and development.

- g. Where a child's actions or behaviour may place them at risk of significant harm and the parents or caregivers are unwilling, or unable to protect the child.
- h. Where a child appears to have been abandoned, or where the child's parents are deceased or incapacitated, and no other person is caring properly for the child.
- i. Grooming of a child under 16 years of age by a person aged 18 years or older.

Note: Definitions as defined by the World Health Charity relating to types of child abuse can be found at the Australian Institute of Family Studies. (<https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect>)

4.32 Child Safety Reporting Requirements

- a. As a member of the Kowanj Australasia team all staff have an obligation under state laws to report offences of child abuse or harm. Concerns regarding suspected or actual abuse of children by a Kowanj Australasia must be reported promptly to the Child Safety Officer.
- b. Any abuse or misconduct towards children and young people, will be dealt with by Kowanj Australasia in accordance with the applicable laws and the Kowanj Australasia's Code of Conduct and referred to the police or child protection authorities as appropriate.

4.33 Failure to disclose requirements.

- a. According to the Victorian Government requirements, all adults who have a reasonable belief that an adult (a person 18 years or older) has committed a sexual offense against a minor under the age of 16 have an obligation to report any information they have to the Victorian Police. It is a criminal offense if you do not report unless the person has reasonable circumstances for not reporting in a timely manner.
- b. *The Child and Wellbeing Safety Act 2005* requires that, where a reasonable belief exists that a child is at risk, it must be reported as soon as practicable. Reasonable belief includes any event, incident, or disclosure including a child stating they have been abused.
- c. A reasonable explanation for not disclosing includes fear for your safety or the safety of another person (other than the person believed to have committed the sexual offense), or belief that the information has already been disclosed to the Victoria police and/or Child protection.

4.34 Failure to protect requirements:

- a. This offense can apply if a person in authority at an educational institute that cares for children or young people 16 and under fails to reduce or remove any substantial risk of a child, that can become the victim of a sexual offense from someone over the age of 18 who is associated with the educational institute. A failure to protect a minor from substantial risk is a criminal offense.
- b. The charity must take reasonable actions to ensure a child's safety where an imminent threat or risk exists. Where a child is deemed to be at immediate risk, it is the responsibility of the charity and mandated reporters to ensure the child's immediate safety. This includes protecting the child from any further risk or harm by removing the alleged staff member or other adult from having further contact with the child.

4.35 Privacy Laws

Participants, staff, and volunteers must respect confidentiality and comply with the Privacy Policy when dealing with suspected child abuse. Details of the case and the identity of the child and their family will be recorded and will only be discussed with those directly involved in the management of the child's situation and to meet the reporting obligations set out in this policy and in the legislation.

5. RESPONSIBILITY AND ACCOUNTABILITY

- a. The Chief Operating Officer will oversee and deliver strategies and initiatives to embed a charitable culture of child safety, through effective leadership arrangements.
- b. Chief Operating Officer and Human Resources will provide supervision, training, screening and other robust staff recruitment processes that minimise the risk of child abuse.
- c. Child Safety Officers will provide information and advice to staff and participants on mandatory reporting requirements.
- d. The Manager of program Delivery will provide children with access to tailored support and services.
- e. All staff must comply with the Child Safety Standards and requirements to respond to incidents, disclosures, and suspicions of Child Abuse.

SECTION 6 - SUPPORTING DOCUMENTS AND TEMPLATES

- a. Related Kowanj Australasia policies and procedures:
- b. Kowanj Australasia is committed to promoting a safe environment for children and young people.
- c. Staff are expected to comply with all legislative requirements
- d. Related legislation and regulation
 - a. The Child Wellbeing and Safety Act 2005 <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/035>
 - b. Child Youth and Families Act 2005 <https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/134>
 - c. Child Wellbeing and Safety Act 2005 <https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/040>
 - d. Worker Screening Act 2020 <https://www.legislation.vic.gov.au/as-made/acts/worker-screening-act-2020>
 - e. Crimes Amendment (Grooming) Act 2014 <https://www.legislation.vic.gov.au/as-made/acts/crimes-amendment-grooming-act-2014>
 - f. Crimes Amendment (Protection of Children) Act 2014 <https://www.legislation.vic.gov.au/as-made/acts/crimes-amendment-protection-children-act-2014>
 - g. Children Legislation Amendment (Reportable Conduct) Act 2017 <https://www.legislation.vic.gov.au/as-made/acts/children-legislation-amendment-reportable-conduct-act-2017>

- i. The Wrongs Amendment (Organisational Child Abuse) Act 2017
<https://www.legislation.vic.gov.au/as-made/acts/wrongs-amendment-organisational-child-abuse-act-2017>

SECTION 7 – DEFINITIONS

For this policy the following definitions apply:

- a. **Act:** Child Wellbeing and Safety Act 2005
- b. **Aboriginal Child:** A person under the age of 18 who is of, identifies as and is accepted as Aboriginal or Torres Strait Islander descent.
- c. **Child:** Any person under the age of 18 years
- d. **Child Abuse:** constitutes any act committed against a child involving physical violence, sexual offences, serious emotional or psychological harm and serious neglect children from culturally and/or linguistically diverse backgrounds: A child who identifies as having particular cultural or linguistic associations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.
- e. **Children with a disability:** a disability can be any physical, sensory, neurological disability, acquired brain injury, intellectual disability, or developmental delay that affects a child's ability to undertake everyday activities.
- f. **Child Safety:** measures to protect children from all forms of child abuse, managing the risk of child abuse and responding to incidents or allegations of child abuse.
- g. **Child Safety Officer:** designated roles within Kowanj Australasia who support and assist staff and participants with understanding their reporting obligations and the process.
- h. **Child Protection:** An activity or initiative designed to protect children from all forms of harm, particularly arising from child abuse.
- i. **Contact with Children:** Working on an activity with children that involves or may involve contact, either under the position description or due to the nature of the work environment.
- j. **Cultural Safety:** Is an environment, which is safe for children, where there is no assault, challenge, or denial of their identity, of who they are, and what they need.
- k. **Grooming:** A criminal offense that concerns predatory conduct undertaken to prepare a child for sexual activity later. The offense applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision, or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- l. **Labour hire:** someone who is provided by a labour hire agency, company, or other provider to perform work.

m. **Mandatory Reporting:** The legal requirement placed on Victorian Registered Teachers to report suspected cases of child abuse and neglect.

n. **Personnel:** are either employed by an organisation, engaged by an organisation on a subcontract basis, or engaged by an organisation on a voluntary or unpaid basis

o. **Reasonable Belief:** When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the grounds

p. **Secondees:** Secondees are people employed by a provider and are supplied to another organisation to work for a temporary secondment period.